

06-28-00

A

06/27/00



Jc841 U.S. PTO

PATENT  
Attorney Docket No. 101.0044-04000  
Customer No. 22882  
Express Mail Label No. EJ123009685US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

#2/a  
11/5/00

Jc784 U.S. PTO  
09/605001  
06/27/00

Prior Application: Art Unit: 3764  
Examiner: M. Brown

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R.  
§ 1.53(b) of pending prior application Serial No. 08/396,414, filed February 27, 1995 of  
Gary K. Michelson, M.D. for Apparatus and Method of Inserting Spinal Implants.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 08/396,414 as originally filed on February 27, 1995.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☒ Cancel Claims 2-104.
4. ☐ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$690	\$ 690.00
	Number of Claims		Basic	Extra Claims		
Total Claims	1	-	20	0	x \$18	0
Independent Claims	1	-	3	0	x \$78	0
[ ] Presentation of Multiple Dep. Claim(s)					+\$260	-
Subtotal						\$ 690.00
Reduction by 1/2 if small entity						- 0
TOTAL APPLICATION FILING FEE						\$ 690.00

08/396,414-06/27/00

6. ☐ A check in the amount of \$[Fee] to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge the filing fee in the amount of \$690.00 and any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No.50-1066.
8. ☒ Amend the specification by changing the first paragraph of the Related Applications section of the specification to read as follows:

Q1

--This is a ☒ continuation ☐ division of application Serial No. 08/396,414, filed February 27, 1995, which is incorporated herein by reference.--

9. ☒ New formal drawings are enclosed.
10. ☐ The prior application is assigned of record to: \_\_\_\_\_
11. ☐ Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 35 U.S.C. § 119. A certified copy  
☐ is enclosed or ☐ is on file in the prior application.
12. ☐ A verified statement claiming small entity status  
☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.
14. ☐ The power appears in the original declaration of the prior application.
15. ☒ Since the power does not appear in the original declaration, a Revocation of Original Power of Attorney and Grant of New Power of Attorney is enclosed.
16. ☒ Please address all correspondence to MARTIN & FERRARO, LLP, 14500 Avion Parkway, Suite 300, Chantilly, Virginia 20151-1101.
17. ☐ Recognize as associate attorney \_\_\_\_\_  
(name, address & Reg. No.)
18. ☐ Also enclosed is \_\_\_\_\_

By: Thomas H. Martin  
Thomas H. Martin  
Registration No. 34,383  
14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: (703) 679-9300  
Facsimile: (703) 679-9303